HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) NO. 7385/2007

PETITIONER		Smt. Sawana Bai Sen, W/o. Shri Ramji Sen, Aged about 46 years, President, Municipal Council, Bemetara, Tehsil and District Durg, R/o. Bemetara, Tehsil and District Durg (CG)
	Versus	
RESPONDENTS	1.	State of Chhattisgarh, Through the Secretary, Department of Urban Administration and Development, Mantralaya, D.K.S.Bhawan, Raipur Chhattisgarh
	2.	Collector, Durg, Distt. Durg Chhattisgarh
	3.	Municipal Council, Bemetara, Through the Chief Municipal Officer, Municipal Council, Bemetara, Tehsil and district Durg, Chhattisgarh
	4.	Chief Municipal Officer, Municipal Council Bemetara, Tehsil and District Durg Chhattisgarh

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(SB: Hon'ble Mr. **Satish K. Agnihotri, J.)**

Shri Sanjay K. Agrawal, counsel for the petitioner.
Shri Vinay Harit, Deputy Advocate General for the State.

ORAL ORDER

(Passed on this 13th day of December 2007)

1. Learned counsel appearing for the petitioner submits that the case of appointing a Scheduled Caste/Scheduled Tribe candidate was refered to the Government through Under Secretary, Urban Administration and Development Department, Government of Chhattisgarh, Raipur vide letter dated 30.08.2007 (Annexure P/6). The State Government failed to take any decision till date. Under Sub-rule 2 of Rule

4 of the M.P. Municipalities (The conduct of business of the Mayor-in-Council/President-in-Council and the prowers and functions of the Authorities) Rules 1998, (for brevity "the Rules 1998"), the President-in-Council shall consist of President and seven members in case of Municipal Council and the seven members in the Municipal Council shall be taken by the President from the elected councilors of the Council in which atleast one member from Women category, atleast one member from Other Backward Classes and atleast one member from Scheduled Case or Scheduled Tribe category.

2. In the present case, no member from Scheduled Caste or Scheduled Tribe category is available. The President-in-Council cannot be constituted because there is no representation from Scheduled Caste or Scheduled Tribe.

3. A dispute arose in view of the fact that no member from Scheduled Caste/Scheduled Tribe was available. The matter was referred to the State Government for guidelines/decision by letter dated 30.08.2007 (Annexure P/6). The State Government has not taken any decision and the meeting of the President-in-Council could not take place.

4. Learned counsel appearing for the State submits that the State Government shall take decision as early as possible so that democratic functioning of the Municipal Council, Bemetara may start as early as possible.

5. In view of the foregoing, the Secretary, Urban Administration and Development Department, government of Chhattisgarh, Raipur is directed to take a decision on the letter dated 30.08.2007 as early as possible preferably within a periof of three weeks from the receipt of the copy of this order.

6. The petition accordingly stands disposed of.

Certified copy as per rules.

Sd/-
Satish K. Agnihotri
Judge

Suguna